

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

CHERI BREECE,)	
)	
Plaintiff,)	
)	
v.)	NO. 3:08-0693
)	Judge Trauger/Bryant
CATO CLOTHING STORE,)	
)	
Defendant.)	

TO: The Honorable Aleta A. Trauger

REPORT AND RECOMMENDATION

This case has been referred to the undersigned Magistrate Judge for a frivolity review and for case management (Docket Entry No. 6).

On October 20, 2008, the undersigned Magistrate Judge received a letter dated October 17, 2008, from the plaintiff stating that the plaintiff has reached an out-of-court settlement of her claim (Docket Entry No. 8). The undersigned construes plaintiff's letter to be a motion for voluntary dismissal of her complaint pursuant to Rule 41, Federal Rules of Civil Procedure. It appears from the record that service of process on the defendant has not yet issued. In consideration of these circumstances, the undersigned Magistrate Judge finds that plaintiff's complaint should be dismissed.

RECOMMENDATION

For the reasons stated above, the undersigned Magistrate Judge **RECOMMENDS** that plaintiff's complaint be **DISMISSED** with prejudice.

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has ten (10) days from service of this Report and Recommendation in which to file any written objections to this Recommendation, with the District Court. Any party opposing said objections shall have ten (10) days from receipt of any objections filed in this Report in which to file any responses to said objections. Failure to file specific objections within ten (10) days of receipt of this Report and Recommendation can constitute a waiver of further appeal of this Recommendation. Thomas v. Arn, 474 U.S. 140 (1985), reh'g denied, 474 U.S. 1111 (1986).

ENTERED this 21st day of October 2008.

s/ John S. Bryant
JOHN S. BRYANT
United States Magistrate Judge